

REMARKS

Claims 1-7, 10, 14, and 15 are pending. Applicants have added new claims 16-22. Claims 1-7, 10, and 14-22 will therefore be pending upon entry of the proposed amendments.

Applicants have deleted all but “NR⁹SO₂R⁴,” “NR⁹CO₂R⁴,” and “NR⁹COR⁴” from the definition of R¹ in claim 15. Support for new claim 19 can be found throughout the specification, e.g., at page 14, line 10 through page 15, line 13 and Examples 21 and 22. New claims 16-18 are based on originally filed claims 4-6, respectively, as are new claims 20-22.

The foregoing amendments, which introduce no new matter, are being made for the sole purpose of expediting prosecution of the present application, and Applicants expressly reserve the right to pursue any cancelled subject matter in one or more continuing applications.

Rejection under 35 U.S.C. § 102

Claim 15 is rejected under 35 U.S.C. § 102(e) as being anticipated by Bonnert, et al., WO 03/101961 (“Bonnert”).

The basis for the rejection appears to be the disclosure of a compound in Bonnert in which Applicants' R¹ is ethylamino (Office Action, page 6 – the foregoing compound is referred to herein as “the Bonnert compound”).

In contrast, claim 15 as presently amended does not encompass compounds in which R¹ is ethylamino. Rather, claim 15 as presently amended requires that R¹ must be NR⁹SO₂R⁴,” “NR⁹CO₂R⁴,” or “NR⁹COR⁴”. As such, the Bonnert compound falls outside of the scope of presently amended claim 15. Bonnert therefore does not anticipate presently amended claim 15 because Bonnert does not disclose a compound meeting every limitation of presently amended claim 15. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection and the rejection not be applied to new claims 16-22.

Double Patenting

Claim 15 is rejected on the ground of nonstatutory obviousness-type double patenting over claims 13-15 and 19 of USSN 10/558,228. Applicants will address this rejection once the relevant claims are otherwise in condition for allowance.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 06275-435US1 / 100770-1P US.

Respectfully submitted,

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